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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,688	12/28/2001	Thierry Brusseau	09669.008001	9251

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/936,688	Applicant(s) BRUSSEAU, THIERRY	
	Examiner Dennis Ruhl	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,2,4-17 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

1. The response filed 5/13/05 has been entered. The examiner will address applicant's remarks at the end of this office action. Currently claims 1,2,4-17 are pending.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,4-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouimet (WO 97/37328) in view of Zeitman WO 98/04080).

For claims 1,2,4,5,9,10,12,14,15,17, Ouimet discloses a method of managing the parking of vehicles. Ouimet discloses that the user of a parking space enters information concerning the parking of their vehicle (i.e. vehicle location information and parking time information) into a ticket machine 12. That information is sent to a central computer system (server) 16 and to mobile units 18. The fee for parking is determined based on the location and time information. A debit card or credit card can be used to pay the parking fee. With respect to the recitation of the ticket machine supplying "parking authorization control elements" upon request by a monitoring agent, this is interpreted to be the continuous transmission of parking data from the ticket machine to the server and mobile units. The monitoring agent is interpreted to be the software/hardware responsible for detecting a new purchase for parking, and for requesting/instructing that the data is sent out from the ticket machine to the server and

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mobile units. Not disclosed is that the user can send parking information to the server by mobile telephone and that the server would then send the parking information to the ticket machine. Zeitman discloses a parking management system that has a high level of user convenience. Zeitman discloses that the user can directly communicate with a central computer system (server system) by using their mobile telephone and can provide the information such as vehicle space and time information by using their telephone. This would allow for more user convenience with respect to adding another way for the user to conduct the parking space use transaction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Ouimet with the ability to take user information by telephone as is disclosed by Zeitman. The user could then communicate with the server 16 directly by telephone and then the server would update the payment terminals and mobile units with new information.

With respect to claims 6,7,8, the location of the parking space can be a number, which satisfies what is claimed. It does not matter if the number is a space number, a vehicle number, etc.. A number is a number and the prior art discloses the taking of a number.

For claim 11, the authorization control element supplied by the ticket machine is a list of information as claimed.

For claim 13, the "electronic certificate" is considered to be any data sent from the server to the phone during the parking use transaction. This could be a receipt in electronic form or any other data sent to the phone. The term "electronic certificate" is very broad language and can be almost anything.

With respect to claim 16, the account of the user (debit card account) is fully capable of being recharged by a prepaid scratchable card. A user can purchase a lottery ticket (with scratchable areas to show what you won if anything) and if they win any amount of money, that money could be deposited into the debit card account. The prior art is fully capable of what is claimed.

Response to Arguments

With respect to the argument that the claimed "monitoring agent" is a human being and that the examiner must interpret it as such, the argument is non-persuasive. The claims do not recite that the monitoring agent is a human being and the examiner finds no explicit definition set forth in the specification for this term. Claim terms are to be given their broadest reasonable interpretation and the definition of agent is not strictly limited to human beings. From www.dictionary.com, the definition of "agent" is

1. One that acts or has the power or authority to act.
2. One empowered to act for or represent another: *an author's agent; an insurance agent.*
3. **A means by which something is done or caused; instrument.**
4. A force or substance that causes a change: *a chemical agent; an infectious agent.*
5. A representative or official of a government or administrative department of a government: *an FBI agent.*
6. A spy.
7. Linguistics. The noun or noun phrase that specifies the person through whom or the means by which an action is effected.

Applicant's argument that the claimed "monitoring agent" must be a human being is not commensurate with the scope of the claims because the claims do not require what has been argued.

With respect to the Zeitman reference and why it was relied upon as a teaching, the examiner notes that applicant has not presented any argument addressing the obviousness statement of the 103 rejection. Zeitman was relied upon for a teaching not found in Ouimet, and applicant has failed to present a traversal on this obviousness issue; therefore, absent a traversal from applicant the 103 combination is found to be proper. The only argument presented has to do with the primary reference to Ouimet. The statement that Zeitman is "silent regarding information sent upon request of a monitoring agent" is not addressing the teaching that Zeitman was relied upon for in the 103 rejection. The argument is non-persuasive and the rejection will be maintained.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262 or 571-272-6808 (effective 4/13/05). The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702 or 571-272-6812 (effective 4/13/05). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DENNIS RUHL
PRIMARY EXAMINER